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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,063	12/08/2005	Aharon Hazut	7640-X05-045	9653
27317 7590 10/18/2007 FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO 21355 EAST DIXIE HIGHWAY SUITE 115 MIAMI, FL 33180			EXAMINER NEAL, TIMOTHY J	
			ART UNIT 3731	PAPER NUMBER
			MAIL DATE 10/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

SP

Office Action Summary	Application No.		Applicant(s)	
	10/560,063		HAZUT ET AL.	
	Examiner		Art Unit	
	Timothy J. Neal		3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the amendments filed on 6/26/2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8, 9, 14-18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malodobry (US 2004/0111107) in view of Ring et al. (US 4,588,400).

Malodobry discloses a method of removing pigments from the skin via a tissue-puncturing device (tattoo device) while injecting an aqueous solution into the pigmented area of skin (Paragraph 46). The needles are hollow or solid (Paragraph 43) with suction means. Malodobry also discloses the use of a saline solution to be introduced to the skin (Paragraph 52).

Malodobry does not disclose providing a pad and bandaging the skin, applying antiseptic or antibiotic materials, and wherein the pad is a solution, solid material, or a combination of the two. Ring teaches an absorbent pad used for dressing a wound including antiseptic and/or antibiotics (Example 7 and Col 8 Line 50). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Malodobry's removal method with Ring's absorbent pad.

Art Unit: 3731

Such a modification would provide a means to absorb fluids exiting the wound including blood, ink, and other biological fluids. Antibiotics and antiseptics prevent the spread of infection.

The use of a pad capable of absorbing the claimed amount of debris is considered obvious to a person having ordinary skill in the art. A person having ordinary skill would be able to modify the pad to absorb the debris and material from the wound as necessary. This would simply involve including more absorbent material or less absorbent material in the pad as needed. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Ring's pad to include the desired amount of absorption. Such a modification would ensure that the pad absorbed the fluids as required.

Claims 7, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malodobry (US 2004/0111107) in view of Ring et al. (US 4,588,400) further in view of Garitano et al. (US 2004/0158296).

Malodobry and Ring disclose the invention substantially as claimed as stated above. They do not disclose performing the suction of the pigments from said punctured skin with the suction means prior to the bandaging of the punctured skin and during the puncturing of said skin. Garitano teaches the suction of a solution provided for the removal of tattoos. Performing this step during the puncturing step would have been obvious to a person having ordinary skill in the art because prior to this step, there is no fluid to be suctioned. Also, performing this step prior to bandaging would have

been obvious because after bandaging, the suction step would not be easily performed. Furthermore, the Examiner notes that no specific advantage was provided for the ordering of these steps so it is considered within the purview of one having ordinary skill in the art to rearrange the order of steps (see MPEP 2144.04 IV C). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Malodobry and Ring's removal steps to include Garitano's suction step. Such a modification would draw fluid from the tattoo to further aid in the removal of the pigments.

Response to Arguments

Applicant's arguments filed 6/26/2007 have been fully considered but they are not persuasive.

The Examiner has reviewed the Applicant's arguments and the filed Affidavits. Dr. Hodak's declaration was not dated. This should include the date of signature. The comments were still considered. The Examiner does not disagree with the Affidavits' assertion that the ink pigments are within cells. However, the Malodobry application is still considered applicable because it states that maintaining the vitality is desired, if possible. The Examiner does not consider this to completely eliminate the possibility of liberating pigments and cellular fluid from cells. The Examiner is also not convinced that in practice, it is possible to perform Malodobry's method while completely avoiding damage to cells. The method is still the same as the Applicant's claimed invention in that a tattoo device is used on an existing tattoo. The tattoo device is necessarily

Art Unit: 3731

damaging to the skin, and damage to individual cells seems unavoidable. Also, the Examiner is not persuaded by any argument suggesting that a combination of Malodobry's method with an absorbent pad is in error. Malodobry's method creates a wound and will create fluid. A person of ordinary skill would apply a pad, at least briefly, to absorb the created liquid. Blood, other fluids, and the released ink would not be left to drip down a person's body. Antiseptics and antibiotics are would also be used to prevent unwanted infection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

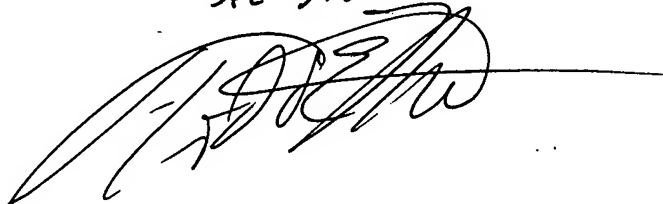
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Neal whose telephone number is (571) 272-0625. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on (571) 272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TJN

Todd E. Manahan
SPE 3731

A handwritten signature in black ink, appearing to be 'T. Manahan', with a long horizontal line extending to the right.